APPLICANT: REED et al.   EXAMINER: Yang, R.

SERIAL NO.: 09/855,388   GROUP: 2672

FILED: May 15, 2001   CASE NO.:   PF02077NA

ENTITLED: METHOD AND APPARATUS FOR PROCESSING DATA INCLUDING AN
                    IMAGE FOR PRESENTATION ON A DISPLAY

_____

                                                Motorola, Inc.
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                    APPEAL BRIEF UNDER 37 C.F.R. § 1.192(c)

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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Sir:

        Further to the Notice of Appeal filed on August 24, 2004 and the

Correspondence of June 4, 2007, Applicant submits the present Appeal Brief.

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I.   **REAL PARTY IN INTEREST**

The real party in interest is, Motorola, Inc.

II.   **RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences.

III.   **STATUS OF CLAIMS**

Claims 1-7, 9-13, and 15-19 are pending. Claims 8, 14 and 20 were canceled.
Claims 1-7, 9-13, and 15-19 are rejected and are the subject of the present appeal.

IV.   **STATUS OF AMENDMENTS**

No amendments were filed subsequent to the May 3, 2004 final rejection.

V.   **SUMMARY OF CLAIMED SUBJECT MATTER**

The inventions are drawn generally to a method and apparatus for processing
data including an image for presentation on a display (page 1, lines 6-8). For
example, the invention is drawn to locating a position on at least one of first and
second display portions compatible with a display for displaying the image (page 5,

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lines 10-12, Fig. 8, element 810) and displaying the image in the position such that,

when the position extends beyond one of the display portions and onto a next one of

the display portions, a portion of the image corresponding to the location of a visible

seam is omitted (page 5, lines 12-16, Fig. 8, element 812).

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Claim 1.   (previously presented) A method for processing data including an

image (items 402 and 404 in Fig.4) for presentation on a display having a first display

portion (202) and a second display portion (204), the first and second display portions

(202, 204) separated by a visible seam (206) having a location and a width, the

10   method comprising the steps of:

                locating a position on at least one of the first and second display

portions (202, 204) for displaying the image (402, 404); and

                displaying the image (402, 404) in said position such that, when said

position extends beyond one of the display portions (202, 204) and onto a next one of

15   the display portions (202, 204), a portion (206) of the image corresponding to the

location of the visible seam is omitted (206, see page 5, lines 17-22),

                wherein the data includes attributes for controlling at least one of

scaling and placement of the image on the display and identifying important areas of

the image (page 4, line 29 through page 5, line 1), and

20   wherein the locating step comprises the step of scaling and locating the

image and protecting the important areas in accordance with the attributes.

Claim 9.   (previously presented) An apparatus for processing data including an image (items 402 and 404 in Fig.4) for presentation on a display having a first display portion (202) and a second display portion (204), the first and second display portions

5   (202, 204) separated by a visible seam (206) having a location and a width, the apparatus comprising:

an input interface (item 802, Fig. 8) for accepting the data;

a processor (804) coupled to the input interface (802) for processing the data; and

10   an output interface (806) coupled to the processor (804) for outputting the processed data,

wherein the processor is programmed (810) to:

determine a location of a position (810) on at least one of the first and second display portions (202, 204) for displaying the image; and

15   process the data for displaying the image in said position such that, when said position extends beyond one of the display portions and onto a next one of the display portions, a portion of the image corresponding to the location of the visible seam is omitted (see page 5, lines 17-22),

wherein the data includes attributes for controlling at least one of

20   scaling (816) and placement of the image on the display and identifying important areas of the image, and

wherein the processor is further programmed to scale and locate the

image and protect the important areas in accordance with the attributes (see page 6,

lines 10-15).

5   Claim 15.   (previously presented) A electronic device for processing data

including an image, comprising:

an input interface (item 802, Fig. 9) for accepting the data;

a processor (804) coupled to the input interface (802) for processing the

data; and

10   a display (200) coupled to the processor for displaying the processed

data, the display having a first display portion and a second display portion, the first

and second display portions separated by a visible seam having a location and a

width;

wherein the processor is programmed to:

15   determine a location of a position (item 810 in Fig. 9) on at least one of

the first and second display portions for displaying the image; and

process the data for displaying the image in said position such that,

when said position extends beyond one of the display portions and onto a next one of

the display portions, a portion of the image corresponding to the location of the

20   visible seam is omitted (see page 5, lines 14-22),

wherein the data includes attributes for controlling placement (822) of

the image on the display (200) and identifying important areas of the image, and

wherein the processor is further programmed to locate the image and protect the important areas in accordance with the attributes (see page 6, lines 10-15).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

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Claims 1, 9 and 15 stand rejected under 35 U.S.C. § 103 over Sakaihara (JP PN 02-79090) and McNelley (U. S. Patent No. 5,438,357).

VII.   ARGUMENT

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For the reasons detailed below, it is respectfully submitted that claims 1, 9 and 15 are allowable under 35 U.S.C. § 103 over Sakaihara et al. and McNelley.

Claim Limitations At Issue

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In Claim 1, the limitations at issue are italicized below:

1.   A method for processing data including an image for presentation on a display having a first display portion and a second display portion, the first and second display portions separated by a visible seam having a location and a width, the method comprising the steps of:

20

locating a position on at least one of the first and second display

portions for displaying the image; and

displaying the image in said position such that, *when said position*

extends beyond one of the display portions and onto a next one of the display portions, a

5   *portion of the image corresponding to the location of the visible seam is omitted,*

wherein *the data includes attributes for controlling at least one of scaling and*

placement of the image on the display and identifying important areas of the image, and

wherein the locating step comprises the step of scaling and locating the

image and protecting the important areas in accordance with the attributes.

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Examiner's Allegation

Claims 1, 9, and 15 stand rejected under 35 U.S.C. § 103 over Sakaihara et al.

(JP PN 02-79090) and McNelley (U.S. Patent No. 5,438,357).

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Applicant's Argument

Applicant asserts there is no motivation to combine Sakaihara and McNelley

to recite the features taught in independent claims 1, 9, and 15.

20   To establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the reference or in the

knowledge generally available to one of ordinary skill in the art, to modify the

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reference or to combine the reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art references, when combined, must teach

or suggest all of the claim limitations. The teaching or suggestion to make the

claimed combination and the reasonable expectation of success must both be found

5   in the prior art, and not based on applicant's disclosure (MPEP 2142). <u>The prior art</u>

<u>must suggest the desirability of the claimed invention</u> (MPEP 2143.01).

Sakaihara is directed to electronic stained glass (Title) such as drawing

patterns on drawings on window glass and using pictures to change a room interior

(Task, solved by the invention section). McNelley is directed to a teleconferencing

10   system (Title, Field, Summary, Description of the Preferred Embodiment, and

Claims). There is absolutely no disclosure in Sakaihara of any usefulness of

Sakaihara's electronic stained glass in a teleconferencing system, such as that

disclosed by McNelley. Furthermore, there is absolutely no disclosure in McNelley

of any usefulness of McNelley's teleconferencing system with electronic stained

15   glass. The original Office Action did not explain how one reference teaches the

usefulness of using it with the other reference. In particular, the original Office

Action only mentioned generic benefits of each reference after making a conclusory

statement that the combination of such would be obvious. No motivation had been

provided for combining one reference with the other.

20   In the "Response to Arguments" section, the final Office Action alleges

motivation is based on the fact that "both Sakaihara and McNelley's inventions are in

the field of electronic display device." However, this does not amount to proper

motivation. If the Office Action is trying to insinuate that the fact that the inventions

can be combined because they are in the same field, Applicants disagree. In

particular, the mere fact that references <u>can</u> be combined or modified does not render

the resultant combination obvious <u>unless the prior art also suggests the desirability of</u>

<u>the combination</u>. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Yet, as

discussed below, the prior art does not suggest the desirability of the combination.

Furthermore, that fact that inventions are in the same field does not provide

sufficient motivation to combine two particular references. There is absolutely no

basis for such motivation. Thus, the mere fact that both Sakaihara and McNelley's

inventions are in the field of electronic display devices does not provide proper

motivation to combine the references.

 The Office Action further alleges motivation is based on ensuring an

important part of the image is displayed. However, this does not amount to proper

motivation. In particular, there is no disclosure of such a necessity for Sakaihara.

More particularly, Sakaihara is directed to electronic stained glass. Yet, the Office

Action admits McNelley only states, "tight head shots would require a quick tracking

response…" However, there is no disclosure that Sakaihara uses tight head shots

which would require a quick tracking response. In fact, there is no disclosure of any

feature in Sakaihara that would require a quick tracking response. Sakaihara only

deals with drawing patterns on window glass and using pictures to change a room

interior. These patterns and pictures are not disclosed to be dynamic or involving the

tracking of a moving object. Thus, there is no need for a quick tracking response to

ensure an important part of an image is displayed. Furthermore, there is no

disclosure in Sakaihara of using images that have important parts that need to be

displayed. Additionally, there is no disclosure in McNelley of ensuring an important

part of an image is displayed on the electronic stained glass of Sakaihara. Thus,

5   ensuring an important part of an image is displayed does not amount to proper

motivation to combine the references.

      Thus, the Office Action has not provided proper motivation to combine

Sakaihara and McNelley to recite the features taught in independent claims 1, 9, and

15.

10   Therefore, Applicant respectfully submits that independent claims 1, 9, and 15

define patentable subject matter. The remaining claims depend from the

independent claims and therefore also define patentable subject matter. Accordingly,

Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103.

      Applicant respectfully requests reversal and vacation of the rejection of Claims

15   1, 9 and 15 under 35 U.S.C. § 103 with instructions for the Examiner to allow all

pending Claims 1-7, 9-13, and 15-19 to issue as a United States Patent.

CONCLUSION

In view of the discussion above, the Claims of the present application are in

condition for allowance. Kindly withdraw any rejections and objections and allow

5 this application to issue as a United States Patent without further delay.

Respectfully submitted,

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Dated: August 29, 2007

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VIII.   CLAIMS APPENDIX

Claims involved in the appeal:

5   1.   (previously presented) A method for processing data including an

image for presentation on a display having a first display portion and a second

display portion, the first and second display portions separated by a visible seam

having a location and a width, the method comprising the steps of:

                    locating a position on at least one of the first and second display

10   portions for displaying the image; and

                    displaying the image in said position such that, when said position

extends beyond one of the display portions and onto a next one of the display

portions, a portion of the image corresponding to the location of the visible seam is

omitted,

15   wherein the data includes attributes for controlling at least one of

scaling and placement of the image on the display and identifying important areas of

the image, and

                    wherein the locating step comprises the step of scaling and locating the

image and protecting the important areas in accordance with the attributes.

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          2.   (original) The method of claim 1, wherein the locating step comprises

the step of repeatedly moving the image back and forth perpendicular to the visible

seam during a time period, such that the portion of the image corresponding to the

position of the visible seam differs with time, thereby allowing a display of

potentially omitted portions of the image during part of the time period.

3.   (original) The method of claim 1, wherein the locating step comprises

the step of moving the image back and forth perpendicular to the visible seam, in

response to a user input through a user interface.

4.   (original) The method of claim 1, wherein the displaying step comprises

the step of scaling the image for presentation on a display surface having a size and

aspect ratio compatible with the first and second display portions aligned adjacent to

one another and separated by more than the width of the visible seam.

5.   (original) The method of claim 1, wherein the locating step further

comprises the steps of:

processing the image to identify predetermined important features of

the image; and

locating the image such that the predetermined important features do

not fall within the portion of the image corresponding to the position of the visible

seam.

6.   (previously presented) The method of claim 1, wherein the locating step further comprises the step of positioning the image wholly in one of the first and second display portions.

5   7.   (original) The method of claim 1,

        wherein the data also includes text, and

        wherein the method further includes the step of wrapping the text to fit into areas of the first and second display portions not used for displaying the image.

10   8.   (canceled)

       9.   (previously presented) An apparatus for processing data including an image for presentation on a display having a first display portion and a second display portion, the first and second display portions separated by a visible seam

15   having a location and a width, the apparatus comprising:

        an input interface for accepting the data;

        a processor coupled to the input interface for processing the data; and

        an output interface coupled to the processor for outputting the processed data,

20   wherein the processor is programmed to:

        determine a location of a position on at least one of the first and second display portions for displaying the image; and

process the data for displaying the image in said position such that, when said position extends beyond one of the display portions and onto a next one of the display portions, a portion of the image corresponding to the location of the visible seam is omitted,

5   wherein the data includes attributes for controlling at least one of scaling and placement of the image on the display and identifying important areas of the image, and

wherein the processor is further programmed to scale and locate the image and protect the important areas in accordance with the attributes.

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       10.   (original) The apparatus of claim 9, wherein the processor is further programmed to repeatedly move the image back and forth perpendicular to the visible seam during a time period, such that the portion of the image corresponding to the position of the visible seam differs with time, thereby allowing a display of

15   potentially omitted portions of the image during part of the time period.

       11.   (original) The apparatus of claim 9, wherein the processor is further programmed to scale the image for presentation on a display surface having a size and aspect ratio compatible with the first and second display portions aligned

20   adjacent to one another and separated by more than the width of the visible seam.

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12.   (original) The apparatus of claim 9, wherein the processor is further programmed to:

process the image to identify predetermined important features of the image; and

locate the image such that the predetermined important features do not fall within the portion of the image corresponding to the position of the visible seam.

13.   (original) The apparatus of claim 9,

wherein the data also includes text, and

wherein the processor is further programmed to wrap the text to fit into areas of the first and second display portions not used for displaying the image.

14.   (canceled)

15.   (previously presented) A electronic device for processing data including an image, comprising:

an input interface for accepting the data;

a processor coupled to the input interface for processing the data; and

a display coupled to the processor for displaying the processed data, the display having a first display portion and a second display portion, the first and second display portions separated by a visible seam having a location and a width;

wherein the processor is programmed to:

determine a location of a position on at least one of the first and second

display portions for displaying the image; and

process the data for displaying the image in said position such that,

when said position extends beyond one of the display portions and onto a next one of

5   the display portions, a portion of the image corresponding to the location of the

visible seam is omitted,

wherein the data includes attributes for controlling placement of the

image on the display and identifying important areas of the image, and

wherein the processor is further programmed to locate the image and

10   protect the important areas in accordance with the attributes.

16.   (original) The electronic device of claim 15, wherein the processor is

further programmed to repeatedly move the image back and forth perpendicular to

the visible seam during a time period, such that the portion of the image

15   corresponding to the position of the visible seam differs with time, thereby allowing

a display of potentially omitted portions of the image during part of the time period.

17.   (original) The electronic device of claim 15, wherein the processor is

further programmed to scale the image for presentation on a display surface having a

20   size and aspect ratio compatible with the first and second display portions aligned

adjacent to one another and separated by more than the width of the visible seam.

18.   (original) The electronic device of claim 15, wherein the processor is further programmed to:

process the image to identify predetermined important features of the image; and

locate the image such that the predetermined important features do not fall within the portion of the image corresponding to the position of the visible seam.

19.   (original) The electronic device of claim 15,

wherein the data also includes text, and

wherein the processor is further programmed to wrap the text to fit into areas of the first and second display portions not used for displaying the image.

20.   (canceled)

VIII.   EVIDENCE APPENDIX

None

VIII.   RELATED PROCEEDINGS APPENDIX

None